

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:99-CR-68-2H

UNITED STATES OF AMERICA

v.

DANNY KENNEDY GENERAL,

Defendant.

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ORDER

This matter is before the court on defendant's motion for early termination of supervised release [DE #320]. The government has responded in opposition. [DE #322].

On August 24, 1999, defendant entered a plea of guilty to a federal drug trafficking conspiracy and possession of a firearm in furtherance of the drug trafficking conspiracy. [D.E. 48]. On April 18, 2000, Defendant was sentenced by the Court to 354 months' total imprisonment, 5 years' supervised release, fine of \$15,000, and a special assessment of \$150.00 [DE #71]. On May 2, 2002, defendant's term of imprisonment was reduced to 300 months' imprisonment. [D.E. 101]. On August 4, 2015, Defendant's sentence was further reduced to 285 months' total imprisonment. [D.E. 246]. On August 30, 2019, Defendant was released and began his term of supervision. On February 4, 2020, Defendant's term of supervision was reduced to 3 years. [D.E. 294]. On April 13, 2021, Defendant filed a motion for early termination of supervision and reduction of his fine on the grounds that he has been compliant and has trouble making payments, respectively.

The court has reviewed the filings and discussed this matter with United States' Probation. While the court is pleased that defendant is gainfully employed and making great strides overall, the court is concerned that defendant is not paying his financial obligation. Defendant has not shown an inability to pay the required amount. Additionally, defendant has only served approximately one half of his already-reduced term of supervision. At this time, the court finds it is not in the interest of justice to terminate supervised release or reduce the fine. Therefore, defendant's motion [DE #320] is DENIED.

This 28th day of April 2021.



MALCOLM J. HOWARD
Senior U.S. District Judge

At Greenville, N.C.
#26